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In re Application of
KUTYEV
Application No.: 10/500,659
PCT No.: PCT/RU02/00536
Int. Filing Date: 18 December 2002
Priority Date: 19 December 2001
Attorney Docket No.: V-288
For: INDIVIDUAL MEANS FOR PRODUCING
SPUMESCENT OXYGEN COCKTAIL AND THE
OXYGEN CYLINDER THEREFOR

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: DECISION ON
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: PETITION UNDER
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: 37 CFR 1.137(b)
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This decision is in response to applicants' submission filed 30 June 2004.

BACKGROUND

On 18 December 2002, applicants filed international application PCT/RU02/00536 which designated the U.S. and claimed a priority date of 19 December 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 June 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 May 2004.

On 30 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, and a "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 30 June 2004.

As to item (2), applicant submitted the petition fee on 30 June 2004.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the declaration later than thirty months from the priority date.



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